

allegations. The Judge found in favor of Applicant on the allegation that he denied, a consumer debt for about \$3,100, and against him on the remaining allegations.¹

Applicant's appeal brief does not assert that the Judge committed any harmful error. Rather, it states that he did not understand the process below and requests another opportunity to present evidence. To the extent that Applicant is contending he was denied due process, we do not find any merit in that argument. When the SOR was issued, Applicant was provided a copy of the Directive, which sets forth the rules and procedures for adjudicating industrial security clearance eligibility. On November 22, 2022, the Government's File of Relevant Material (FORM) was mailed to Applicant. The FORM contained the Government's evidence and arguments, and it advised Applicant that he had the opportunity to submit objections or documentary evidence in rebuttal, extenuation, mitigation, or explanation, as appropriate. It further stated, "If you do not file any objections or submit any additional information within 30 days of receipt of this letter, your case will be assigned to an Administrative Judge for a determination **based solely on this FORM.**" FORM at 3, emphasis added. Applicant did not submit a response to the FORM. The Board only has authority to remand a case (*e.g.*, to reopen a case for receipt of additional evidence) to correct an error identified in the proceeding below. Directive E3.1.33.2. Applicant failed to establish that he was denied any due process afforded by the Directive, that any error occurred below, or that he should be granted any form of relief.

The Appeal Board does not review cases *de novo*. The Board's authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. Because Applicant has not alleged such a harmful error, the decision of the Judge denying Applicant security clearance eligibility is sustainable.

¹ The Judge failed to make a formal finding regarding SOR ¶ 1.b. Executive Order 10865 § 3(7) requires that findings be made for or against each SOR allegation. In this case, such an error was harmless.

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: Moira Modzelewski
Moira Modzelewski
Administrative Judge
Member, Appeal Board

Signed: Allison Marie
Allison Marie
Administrative Judge
Member, Appeal Board